IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P.NO 12869 of 2004

DATE OF DECISION:5.9.2006

Vijay Kumar Chopra ...PETITIONER

VERSUS

S.G.P.C. And others ...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE S.S.NIJJAR
HON'BLE MR. JUSTICE S.S.SARON

Present: Mr.Sandeep Arora, Advocate

Ms.Charu Tuli, Sr.DAG, Punjab.

Ms. Gurveen H. Singh, Advocate

S.S.NIJJAR, J. (ORAL)

We have heard the learned counsel for the parties at length and perused the paper-book.

Undoubtedly, the subsistence allowance has not been paid to the petitioner, in accordance with the rules. Learned counsel for the respondents, however, submits that the petitioner was asked to report for

duty at Anandpur Saheb. He neither joined the new place of posting nor sent any leave application. He also did not send any medical certificate. Therefore, the petitioner is again absenting from duty. In such circumstances, he would not be entitled to payment of subsistence allowance. We are of the opinion that subsistence allowance has to be paid to the petitioner, irrespective of the fact whether he joined new place of posting or not. The respondents are, however, at liberty to take further departmental action against the petitioner, on the basis of the alleged absence from duty.

In view of the above, the writ petition is disposed of with a direction to the respondents to release the entire amount of subsistence allowance, due to the petitioner within a period of one month from today.

(S.S.NIJJAR)
JUDGE

(S.S.SARON)
JUDGE

5.9.2006
MFK